NOAA ADVISORY COMMITTEE FOR COMMERCIAL REMOTE SENSING (ACCRES)
OPEN SESSION MEETING SUMMARY
February 2, 2005

Open Session

The NOAA Advisory Committee for Commercial Remote Sensing (ACCRES) was convened on February 2, 2005 at 1:00 pm at MITRE Corporation, 7515 Colshire Drive, McLean, Virginia.

In accordance with the provisions of Public Law 92-463, the meeting was open to the public.

The Chairman, Kevin O'Connell, thanked Committee members and members of the public for attending the sixth meeting of ACCRES. He invited everyone to introduce themselves.

Committee members present:

Mr. Martin Faga, MITRE
Dr. Joanne Gabrynowicz, National Remote Sensing and Space Law Center, University of Mississippi
Mr. Jay Feuquay, on behalf of Dr. Charles Groat, US Geological Survey
Ms. Kass Green, President, The Alta Vista Company
Mr. Douglas Hall, Earth Satellite Corporation
Dr. Donald Lauer, American Society for Photogrammetry and Remote Sensing
Mr. Kevin O'Connell, RAND Corporation
Mr. Matthew O'Connell, OrbImage
Mr. Mark Scott, on behalf of Mr. Herb Satterlee, DigitalGlobe, Incorporated
Mr. Joseph Strauss, The Aerospace Corporation
Mr. Joe Bastian, on behalf of Mr. David Taylor, Ball Aerospace Technology Corporation
Mr. Robert Weber, National Geospatial-intelligence Agency

Presiding Staff of the National Oceanic and Atmospheric Administration (NOAA):

Mr. Michael Hales, Acting Chief, Satellite Activities Branch, NESDIS International and Interagency Affairs Office, and ACCRES Designated Federal Officer
Mr. Glenn Tallia, Senior Counselor for Atmospheric and Space Services and Research Office of General Counsel

Discussion of Committee Recommendations

Mr. O'Connell briefly highlighted the Committee recommendations that had been forwarded to NOAA for its consideration. He then asked the committee's opinion about a communications strategy for presenting the recommendations to the public. The committee discussed developing a public release and potential on-the-record interviews.

Non-discriminatory Access to Data

Dr. Gabrynowicz led a discussion on the policy of non-discriminatory access to satellite data. She first provided a history of Landsat program and the issue of data access. She noted that in 1983-4, when the United States was planning to commercialize the Landsat

program, data access became an issue in the Committee on the Peaceful Uses of Outer Space (COPUOS) as COPUOS had not previously contemplated commercial remote sensing activities. There was a tension between the right to use space by commercially acquiring data and distributing it to third parties and the sovereign rights of sensed states to control their territory. She said the compromise between terrestrial sovereignty and the freedom to use space was the non-discriminatory data access policy. By ensuring that a sensed state would have access to the imagery of its territory, the legitimacy of commercial remote sensing activities was accepted. Acknowledging this, Congress codified the nondiscriminatory access policy twice. First, Congress did this in the Land Remote Sensing Act (1984) and later in the Land Remote Sensing Policy Act (1992). Dr. Gabrynowicz reiterated that non-discriminatory data access is important as it relates to legitimacy of CRS to begin with.

Dr. Gabrynowicz noted the disconnect between how U.S. policies and laws address non-discriminatory data access issues and how often those laws and policies are misunderstood in the remote sensing community. She stated this disconnect is important to appreciate because of the perception that the U.S. is not abiding by its own policies. Dr. Gabrynowicz also noted that the growing trend to place some commercial data in access tiers adds to that perception. She suggested the committee endorse the non-discriminatory access principle as contained in the U.N. Principles and the 1992 Land Remote Sensing Policy Act, which state that practical access to data can be both achieved through reasonable terms and conditions and recognizing the special needs of some developing nations. The Committee agreed with her proposal to endorse the non-discriminatory data access principle.

Discussion of Satellite Data Archive Issues

Mr. Greg Snyder, of the U.S. Geological Survey (USGS), presented that agency's responsibility to serve as the National Land Remote Sensing Data Archive (the Archive) in order to provide "long-term storage, maintenance, and upgrading of a basic, global, land remote sensing data set" per the Land Remote Sensing Policy Act. Per this responsibility, Licensees have requirements in NOAA's regulations to make CRS data available, with various conditions, to the Archive either on request or when purging any data. To meet these requirements, Mr. Snyder expressed USGS's desire to have proactive discussions with Licensees about data archiving and to view these requirements as an opportunity for strengthening government-industry partnership. USGS is currently, with NOAA, developing a proposal for procedures for making CRS data available to the Archive per NOAA's regulations. USGS also proposed a timeline of work for the next year.

The committee expressed appreciation for the presentation and recognized this as an important issue. Dr. Green pointed out that the government needed to be politically ready – not just technically ready – to deal with CRS data archiving. Mr. Snyder did point out that USGS already has negotiated contracts with the three current operating CRS space providers and that the government understands licensing agreements better now than in the past, but agreed that the technical problems may not be as difficult as getting the policies and procedures in place.

Dr. Gabrynowicz pointed out that the USGS National Satellite Land Remote Sensing

Data Archive Advisory Committee has been active on this issue since the mid-90s. It has issued relevant recommendations and white papers and there is a great deal of work that can benefit the ACCRES committee. The Archive Advisory Committee's papers and recommendations, including a one titled, "Access to Restricted Data: A White Paper" is available on line at http://edc.usgs.gov/archive/nslrsda/advisory/index.html

Regarding a comment on the high cost of transferring data to the Archive, Mr. Lauer commented that it is part of the Department of Interior's mandate to ensure plans are in place for this. The committee noted that there is very good science going on with old data and that CRS data can be very valuable for research.

Licensing Update Activities

Mr. Hales gave a presentation updating the committee on commercial remote sensing licensing activities. Specifically he highlighted several projects that NOAA is involved in, including one with the Organization for Economic Cooperation and Development (OECD) in which NOAA is involved in looking at the remote sensing industry. Currently the project is in its final stage of developing conclusions and recommendations. NOAA will continue to update the committee on the outputs from the OECD study. Mr. Hales also shared information on studies NOAA is funding this year, including looking at the international and aerial remote sensing markets, an international legal regime study, and updating a database on global remote sensing platforms.

Additionally, Mr. Hales updated the committee on the status of NOAA's effort to revise its regulations. As part of an effort to respond to the new commercial remote sensing space policy, NOAA is in the final stages of coordinating with the Department of Commerce (DoC). Once DoC submits the revised regulations to the Office of Management and Budget, there will be a 90 day interagency review period. Afterwards, the draft regulations will be published in the *Federal Register* for public comment. Mr. O'Connell asked if NOAA would like a "committee position" to review and comment on the new regulations during the public comment period. Mr. Hales responded that if possible, NOAA would appreciate the committee's comments.

Tsunami: Responses by US commercial remote sensing satellites

Space Imaging, DigitalGlobe and OrbImage each gave presentations to the committee on the use of commercial remote sensing imagery in the wake of the Indian Ocean tsunami tragedy. All three showed dramatic examples of before and after imagery of affected areas.

The companies discussed how National Geospatial-intelligence Agency (NGA) did requirements coordination for the effort and how industry agreed to "unrestricted" broader-use licenses to encourage broader sharing of the imagery for those involved in the effort. The companies also highlighted that in addition to government requirements they added additional speculative collection, and worked with other government and non-government customers and the media.

Space Imaging highlighted some lessons learned from their perspective:

- Government and industry were aggressive and successful in attempting to coordinate
- NGA had crisis support team to meet NGA and Pacific Command customers
- There were some issues at the beginning with civil agencies having adequate interface with NGA process – i.e. issues with awareness of requirements process/collection/delivery mechanism and ambiguity regarding licensing

Digital Globe discussed its development of a specific web page to help with crisis support. The page provided reference tools that could be used by any level of user. DigitalGlobe also stressed the importance of accurate pictorial maps as necessary right from the beginning of the crisis.

OrbImage also discussed use of imagery during the crisis and highlighted the importance during the event of coordinated planning with both the NGA and USGS.

USGS also presented on its post-tsunami assistance efforts and discussed how USGS used its contracts with the commercial sector to increase the unrestricted use of licenses to gain even broader distribution of commercial data.

National Geospatial-intelligence Agency Presentation

Mr. Weber gave a presentation in the increased use of CRS data by NGA. NGA continues to increase its utilization of CRS data both within NGA and with its partners, especially due to its unclassified nature. NGA is continuing to integrate commercial satellite imagery into NGA business processes, and are now looking more at the value-added products and what is needed in times of crisis. Two of its main interests in the future will be international mapping rules and regulations on a global scale and the use of CRS data for mapping purposes.

Public Comment

Kass Green suggested that, as a future topic, the committee look at the Landsat mission and discuss potential commercial fillers for any gaps in coverage from Landsat.

The committee members requested that they receive a briefing on the new space policy, which has yet to be released, at the next committee meeting.

The meeting adjourned at 4:30 p.m.